

**Lummi Nation Natural Resources**  
Watershed Restoration Division  
**2665 Kwina Road**  
**Bellingham, WA 98226**

## REQUEST FOR BIDS

### **South Fork Nooksack River: Lower Fobes Phase 2 Restoration Project**

#### **Project No. 61864**

The Lummi Nation Natural Resources Department (LNRD) wishes to solicit Proposals for the construction of the Lower Fobes Phase 2 Restoration Project, an aquatic habitat restoration project on the South Fork Nooksack River (Figures 1, 2, and 3). Final design documents are available at the Whatcom Plan Center; instructions are below. LNRD reserves the option to award the project to any contractor. The project is funded by state and federal funds, and will follow this timeline:

April 21, 2022 – Plans and Specifications available at Western Construction Resources (WCR)

May 11, 2022 – Mandatory pre-bid meeting on site with the Project Engineer and the LNRD project manager from 9:00am – 2:00pm. **To submit a proposal, the contractor representative must attend the entire site visit.**

May 24, 2022 – Proposal due to LNRD office by 1:00pm PDT. Electronic bids will be accepted if they include a scanned copy of the bid bond by the due date. Sealed bid proposals must be postmarked or received by LNRD at 2665 Kwina Road, Bellingham, Washington 98226 until:

**1:00 p.m. PDT, May 24, 2022**

See the proposed dates on Table 1.

Project completion requires installation of 30 engineered log jam (ELJ) structures in the Fobes Reach of the South Fork Nooksack River (Figures 1, 2, and 3). Six types of ELJs are included in this project: Type 1 large apex jam (3), Type 2 medium apex ELJs (10), Type 3 flow deflection jam (9) Type 4 bank enhancement ELJs (2), Type 5 channel-spanning log reinforced ELJ riffle (2), and Type 6 natural jam stabilizations (4). The total amount of these ELJs is contingent on funding and will be described in the Preparation of Proposal section later in this document.

The owner (LNRD)-furnished wood material for the ELJs will be staged by the owner at a clearing (“the Elk Meadow”) at the entrance to the site (Figures 1, 2, and 3). An existing access road owned and maintained by the landowner (Sierra Pacific Land & Timber (SPLT)) will be used

to access the site. The selected contractor will build temporary access roads from the Elk Meadow to transport the wood and materials to the project site. All temporary access roads shall be built to meet Washington State Forest Practice standards.

The selected contractor will excavate two pilot channels, requiring approximately 510 cubic yards of excavation. Excavated material shall be stockpiled at specified locations per the plans on unvegetated gravel bars, or used as ballast during ELJ construction, if feasible.

The selected contractor is responsible for transporting and staging all wood material and the contractor-supplied project materials, tools, and supplies needed for ELJ construction [including, but not limited to: ballast rock, cobbles for Type 5 ELJ ballast, 4 and 5-man boulders, streambed cobbles excavated from floodplain side channels, lashing materials, and temporary erosion and sediment control (TESC)/ELJ isolation materials] adjacent to each ELJ work area. The ELJ work areas will be accessed using existing cobble bars, temporarily constructed log bridges and work platforms. All tracked equipment must use biodegradable fuels and hydraulic fluids. Fueling sites must be at least 100 feet from the edge of the river channel.

The selected contractor will install three Type 1 large apex ELJs in the river. Each large apex ELJ requires 12 piles, embedded to a depth of 15 feet below channel grade, 37 key logs, 450 racking logs, and 100 cubic yards of slash material. Large apex ELJs include an 8-foot-deep scour pool excavated immediately upstream of the ELJ. Logs within the ELJ will be secured together through a chain connection and the structure will be backfilled with its material excavated. The approximate disturbance footprint of the apex jam is approximately 60 feet wide by 50 feet long. Construction of large apex ELJs will require isolation from the river channel through TESC and water management standards.

The selected contractor will install 10 Type 2 apex ELJs in the river. Each medium apex ELJ requires 10 piles, embedded to a depth of 15 feet below channel grade, 31 key logs, 325 racking logs, and 75 cubic yards of slash material. Medium apex ELJs include an 8-foot-deep scour pool excavated immediately upstream of the ELJ. Logs within the ELJ will be secured together through a chain connection and the structure will be backfilled with its material excavated. The approximate disturbance footprint of the apex jam is approximately 45 feet wide by 55 feet long. Construction of medium apex ELJs will require isolation from the river channel through TESC and water management standards.

The selected contractor will install nine Type 3 deflector ELJs along the river channel. Each flow deflection ELJ requires seven vertical piles, embedded to a depth of 15 feet below channel grade, 19 key logs, 150 racking logs, and 40 cubic yards of slash material. Flow deflector ELJs include a 5-foot-deep scour pool excavated immediately adjacent to the ELJ. The disturbance footprint of the flow deflection jam is approximately 62 feet wide by 35 feet long. Construction of flow deflection ELJs will require isolation from the river channel through TESC and water management standards.

The selected contractor will install two bank enhancement ELJs along the river channel. Each bank enhancement ELJ requires five piles embedded to a depth of 15 feet below channel grade nine key logs, 60 racking logs, and 20 cubic yards of slash material. The disturbance footprint of the flow deflection jam is approximately 44 feet wide by 35 feet long. Construction of flow deflection ELJs will require isolation from the river channel through TESC and water management standards.

The selected contractor will install two Type 5 channel-spanning log reinforced ELJ riffles in the river. Each log reinforced ELJ requires two piles, embedded to a depth of 15 feet below channel grade, three logs bounded into a triangle, six boulder rock collars (12 boulders), 3,300 tons of imported cobble boulder backfill for #5-18, and 4,400 tons of imported cobble boulder backfill for #5-19. Logs within the ELJ will be secured together through a chain connection and the structure will be backfilled within and around the triangles with the cobble boulder matrix. The approximate disturbance footprint of #5-18 is 210 feet wide by 220 feet long, #5-19 disturbed footprint is approximately 215 feet wide by 200 feet long. Construction of log reinforced ELJ riffles will be directly in the river and will only require isolation from the river channel for excavating 195 CY of material from #5-18.

The selected contractor will stabilize five Type 6 natural jams. Each jam stabilization structure Requires driving 16 vertical posts into existing log jams. Vertical posts will be driven a minimum 15 feet below ground surface.

Project activities will include but are not limited to:

1. Construct the temporary road for equipment through forest lands to access project areas.
  - a. Avoid cutting flagged trees by the project sponsor and landowner.
2. Build up to 11 temporary bridges to avoid contact with the river and potential fish-bearing streams.
3. Cross the river channel in identified locations.
4. Decommission the road and remove bridges upon project completion.
5. Excavate native alluvium within the main channel using excavators and other equipment.
6. Excavate two pilot channels and stockpile material to remain onsite or used as ballast for ELJs.
7. Handle and place logs together in accordance with the Project Engineer's design to construct ELJs within the excavated pits.
8. Utilize erosion and disturbance control measures associated with project permits.
9. Handle and place pieces of wood (logs) up to 26-inch diameter by 60-foot long (many include rootwads).
10. Import, handle, and place boulder anchors weighing approximately 2 to 3 tons each.

LNRD will separately purchase and stage all wood material needed for the project ELJs including large logs, racking logs and slash material as previously described. All woody material has been

stockpiled on-site. LNRD will supply the hardware, as described in the attached construction specifications. Manila rope, chain, and associated hardware for the construction of all ELJs has been provided by LNRD. The Contractor shall be responsible for safely handling, sorting as necessary, and transporting provided material for ELJs from the stockpiled location to individual ELJ locations. The Contractor shall make arrangements for delivery of chain, manila rope, and other associated hardware to the project site.

The Contractor may need large equipment such as 2-3 Class 400 log loaders, 2 Class 400 excavators with bucket and thumb, a D8N bulldozer (or larger), a D5 or D6 Cat (optional), watering tank, a skidder with grapple, and dump trucks to perform the above-described work. A Movax vibratory hammer attachment, or similar equipment deemed capable by the engineer, will need to be mounted onto the excavator.

The project has timing restrictions and will need to be staged and removed between June 1 and September 30. Work within the waters of the State will require completion between July 25 and August 15, depending on the WDFW fish window. The project will need to be closely coordinated with the local land Contracting Agencies – Lummi Nation, SPLT, and WDNR.

Table 1. The anticipated project schedule. These dates are subject to change based on when all permits have been received.

<b>Activity</b>	<b>Date to be completed</b>
Contractor under contract	6/22/2022
Material acquisition	7/1/2022
Pre-project planning meeting at LNRD	7/1/2022
Submittals (TESC plan, water management plan and SWPPP)	7/5/2022
Mobilization	7/8/2022
Temporary road construction	7/13/2022
In-water work window to build bridges	7/15/2022
Temporary bridge construction	7/20/2022
Material delivery to gravel bar staging areas for Stage 1 construction	7/22/2022
Stage 1 on upstream left channel and downstream right channel	7/29/2022

Stage 2 on upstream left channel and downstream right channel	8/5/2022
Stage 3 on upstream right channel and downstream left channel	8/12/2022
Walk-through with Project Engineer and contractor	8/15/2022
Decommission roads	8/26/2022
Demobilization	9/2/2022

The contract award is based on experience working in sensitive aquatic environments, record of permit compliance (no permit violations in the last five years), bid total cost, proposed methods, contractor availability, contractor qualifications, and Native Preference factors. Lummi Nation will provide permits and engineering as needed and environmental compliance authority. The LNRD also requests that the contractor provide the proposed project schedule in their bid, including estimated timing for each ELJ installation. LNRD is securing the following permits for the project, with expected date of approval included:

1. SEPA Determination of Nonsignificance (Skagit County), April 5, 2022
2. Nationwide permit (USACOE), May 2, 2022
3. Skagit County Shoreline Exemption, May 16, 2022
4. Floodplain Development permit (Skagit County), May 16, 2022
5. Forest Practices Determination (DNR), May 20, 2022
6. Hydraulic Projects Approval (WDFW), May 27, 2022
7. Access agreement with SPLT, May 31, 2022
8. DNR Aquatic Lands Conservation License, June 30, 2022
9. DNR Fire Waiver, July 1, 2022

The Indian Preference Policy of Lummi Nation entitles qualified applicants who are enrolled tribal members of federally recognized Indian tribes, or qualified businesses owned by enrolled tribal members of federally recognized Indian tribes, to first consideration for contracts. Bidders for contracts who are not entitled to claim such preference or who fail to claim it shall be considered without regard to ethnic/national origin, gender, marital status, sexual orientation, religion, and age or disability status. Indian Preference will apply only to bids that are within 110% of the lowest bid submitted by a qualified bidder not claiming Indian Preference.

Unless otherwise specified, all project work shall be in accordance with the Special Provisions, the 2022 Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT/APWA), including agreed upon amendments thereto, and Plans hereunder. If the contract is awarded,

the award will be in accordance with the Standard Specifications, Section 1- 03, "Award and Execution of Contract", except as provided for hereunder and in the "Instructions to Bidders."

Electronic plans and specifications may be obtained via WCR Publications (2215 Midway Lane, Suite 208, Bellingham, WA 98226, Phone 360-738-0370 (www.wcrinc.com and www.myplancenter.com)) without charge. **Contractor shall request to be on the plan holders list** before being able to access the plans and specifications online. A copy of plans and specifications is also available for review at the LNRD office by pre-arrangement, depending on Washington State Stay-at-Home restrictions

Contact Alex Levell at LNRD: phone (360) 410-1988 for general questions or to view the copy at the LNRD office. LNRD will not be providing pre-bid copies of the plans or contract bid documents. Technical questions are to be directed to Alex Levell and will be distributed to the Project Engineer.

### **NOTICE TO BIDDERS**

LNRD reserves the right to accept a proposal of the bidder submitting the lowest responsible bid, to reject any or all bids, republish the call for bids, revise or cancel the work to be performed, or do the work otherwise, if the best interest of LNRD is served thereby. LNRD also reserves the right to postpone the bid award for thirty (30) calendar days after bid opening, except that upon mutual consent of the lowest responsible bidder and LNRD, the 30-calendar day limit may be extended to allow approval of the bid award.

- Cost and associated construction schedule (40%)
- History of similar projects within 5 years (15%)
- Positive References (based on communication, following design specs, efficiency, compliance, and safety) (20%)
- Compliance and safety measures (10%)
- Native preference (15%)

The Lummi Nation Tribal Employment Rights Ordinance (TERO) applies to this project. All contractors bidding this project shall thoroughly familiarize themselves with the TERO requirements. The Contractor and Subcontractors are subject to compliance with the LIBC Alcohol and Drug Free Workplace Policy.

### **SUPPLEMENTAL INSTRUCTIONS TO BIDDERS**

#### PREPARATION OF PROPOSAL

**Each bid proposal shall be submitted on the forms included in the "Bid Proposal Forms" section following:** All blank spaces on the forms shall be completed in ink or be typewritten. Any omission of prices for items included on the Bid form, or any addition in writing to the form of the bid proposal or any condition, limitation or provision not officially invited in these

contract documents may render the proposal as incomplete or modified and may become cause for rejection of the bid.

**The unit or lump sum price for each item, and the total bid price shall be shown in numbers.**

The extended unit price for each bid item shall be shown in numbers. All bid prices shall be shown in the designated locations under the corresponding headings on the "Bid" form. The unit, extended unit, or lump sum price for each bid item shall include as shown on the "Bid" form complete under each heading all costs for labor, materials, tools, equipment, overhead, and profit. No additional compensation for these items shall be allowed except through an approved change order as provided for in these contract documents.

The sum shown for the Bid 'Total' (total bid price) shall be the amount for which the Bidder offers to perform, and which the bidder agrees to accept for the work described in these documents. At the option and direction of LNRD, work may be added or deleted in accordance with the contract provisions hereunder.

Bidders shall fill in and complete the information requested on the "Statement of Bidder Identification" form, including address and telephone number. The Bidder is to include in the form the legal name under which the firm or bidder is registered.

Bid proposals shall be signed in full by the person or persons legally authorized to bind the bidder to a contract. A bid by a corporation shall further give the state of incorporation and have the corporate seal affixed. A bid submitted by an agent shall have attached a current power of attorney certifying the agent's authority to bind the Bidder. The name of each person signing shall be typed or printed below the signature.

The Bid Proposal for this Contract requires the Bidder to bid additive Alternates as part of the bid. As such the Bidder is required to submit a Base Bid and a bid for each of the Alternate(s).

The Bid Proposal includes the following:

1. Base Bid

The Base Bid shall include constructing all items included in the Proposal except those items contained in the Alternate(s)

2. Alternate(s)

a. Alternate A1

Based on constructing all items included in Bid Schedule A1, including necessary temporary site access, site isolation and dewatering, equipment, materials, and all incidentals required to construct ELJs 2-12, 1-13, 1-14, 2-15, 3-16, 2-17, 2-26, 6-42 and 6-43, as well as performing pilot channel excavation. The Bid items for Alternate A1 are as listed in the Bid Proposal.

b. Alternate A2

Based on constructing all items included in Bid Schedule A2, including necessary temporary site access, site isolation and dewatering, equipment, materials, and all incidentals required to construct ELJs 3-7, 3-8, 3-9, 3-10, and 3-11. The Bid items for Alternate A2 are as listed in the Bid Proposal.

c. Alternate A3

Based on constructing all items included in Bid Schedule A3, including necessary temporary site access, site isolation and dewatering, equipment, materials, and all incidentals required to construct ELJs 3-1, 3-2, 4-3, 4-4, 3-5, 2-6, 6-40, and 6-41. The Bid items for Alternate A3 are as listed in the Bid Proposal.

To be considered responsive, the Bidder shall submit a price on each and every Bid item included in the Base Bid and all Alternate(s).

The successful Bidder will be the Bidder submitting the lowest responsible Bid for the highest order Preference that is within the amount of available funds for the project. The following are listed in order from highest to lowest Preference:

1. Preference 1: Lowest total for Base Bid plus Alternate A1 plus Alternate A2 plus Alternate A3.
2. Preference 2: Lowest total for Base Bid plus Alternate A1 plus Alternate A2.
3. Preference 3: Lowest total for Base Bid plus Alternate A1.
4. Preference 4: Lowest total for Base Bid.

The Bidder agrees to hold Base Bid and all Alternate(s) for forty-five (45) days from the date of bid opening.

### **MANDATORY PRE-BID MEETING**

We will meet at the Hamilton Guard Station at the beginning of the Crown Pacific Mainline road off of Scott Paper Road on May 11, 2022 (Figure 1). We will visit the staging areas, access routes and the instream work locations. Prospective bidders must call or email Alex Levell, LNRD: 360-410-1988 (cell), or [alexl@lummi-nsn.gov](mailto:alexl@lummi-nsn.gov) by 5:00pm, May 10, 2022 to RSVP.

Prospective bidders are required to attend the entire site visit. You must be on time or that may be grounds for an ineligible bid. Please call Alex Levell (360-410-1988) if you will arrive late to the site visit.

### **SUBMITTAL OF PROPOSAL**

The completed Bid Proposal Forms consisting of pages 2 through 16, and any other documents required in accordance with the Special Provisions shall be submitted the office of LNRD, Watershed Restoration Division in an envelope marked:

Proposal for Contract  
(Name of Bidder)  
Project: Lower Fobes Phase 2 Restoration Project  
Attn: Alex Levell

Bid proposals shall be deposited at the designated location prior to the date and time for receipt of bid proposals as indicated in the "Invitation to Bid", or such revised date as may be specified by an addendum.

There will be no public bid opening. However, LNRD will email the total bid amount of each bid to all bidders. Any revisions to the bid delivery process will be communicated to all prospective bidders.

No verbal or telephonic bids or modifications will be considered.

### **INTERPRETATIONS AND CORRECTIONS**

If the Bidder finds any discrepancy in, or omission from the specifications or plans, or if there is any doubt as to their meaning, the Bidder shall promptly notify Alex Levell of LNRD (360 410-1988, [alexl@lummi-nsn.gov](mailto:alexl@lummi-nsn.gov)). Any addenda issued during the time of bidding will be numbered consecutively and will be incorporated into these contract documents. The Bidder shall be responsible to ascertain prior to submittal of a bid proposal that all addenda issued have been received and are acknowledged on the "Bid Proposal Signature and Addendum Acknowledgment" form. Addenda will only be issued to those contractors appearing on the Plan Holders List held by WCR Publications. It will be the responsibility of the contractor to ensure their name appears on the Plan Holders List.

### **CONSIDERATION OF BIDS**

Bid proposals will be received at the time and place indicated in the "Invitation to Bid" or in an addendum, unless LNRD has withdrawn the request for bids. In the event of any discrepancies, the amount shown in words shall have precedence, an item's unit price shall have precedence over the item extended unit price, and the arithmetic sum of the extended unit and lump sum prices shall have precedence over the total amount of bid. Any alteration or erasure shall be initialed by the Bidder for the proposal to be considered.

Bidders are notified that all bids are likely to be rejected if deemed in the best interests of LNRD. In the event all bids are rejected, this project may be deferred for re-advertising for bids until a more competitive situation exists.

## **EVIDENCE OF QUALIFICATIONS**

Bidders shall complete the statement of Bidder Identification and Qualification in the Bid Proposal. Bidders shall provide satisfactory evidence of financial resources and experience in similar projects. This qualification includes (See also Special Provisions):

- List and qualifications of all subcontractors. All must be registered in SAM and have a DUNS #
- Contractor Project Manager, who will be onsite during all construction, his/her experience (must not be equipment operator). Contractor Project Manager must have experience managing river restoration projects and an understanding of WSDOT specifications and permit requirements for these types of projects.
- Other key project staff. Include staff organization chart.
- Description of three similar projects within the last five years with reference information
- Proposed methods for water crossings and staging
- Current and projected workload during the summer of 2020 to complete project
- Equipment availability
- Native subcontractor and worker elements
- Bid Bond
- Bid total costs

Upon request of LNRD, a Bidder may be requested to submit supplementary information or clarification of qualifications.

Among the requirements to perform the project are:

- Contractors will be fully licensed and bonded and comply with all state and federal worker safety and benefits regulations.
- Contractors will add the Contractee, Natural Systems Design (NSD), Sierra Pacific Land & Timber, Washington State Department of Natural Resources, and Skagit County as Additional Insured Parties for a minimum limit of \$3,000,000 Liability, including Loggers Broad form Insurance which will be specified during the contracting process.
- Performance Bonds of 100% of Contract Amount will be required of successful proponents.

**These contracts are covered under the provisions of the Davis-Bacon Act.**

## **AWARD OF CONTRACT**

The award of the Contract, if it be awarded, shall be made within thirty (30) calendar days after the date of opening of bids to the lowest Bidder deemed responsible by LNRD, as provided for herein, except that upon mutual consent of the lowest responsible Bidder and LNRD, the thirty (30) calendar days may be extended.

## **EXECUTION OF CONTRACT**

**The successful Bidder shall execute and return the contract within five (5) calendar days after bid award.** A certificate of insurance satisfying the contract specifications, current W-9 form, TERO Compliance Plan (see <https://www.lummi-nsn.gov/Website.php?PageID=628>), and performance bond shall be submitted with the signed contract. Contract is subject to the approval of the Lummi Indian Business Council.

#### **PRE-CONSTRUCTION CONFERENCE**

The successful bidder, prior to commencement of work, shall attend a pre-construction conference with the Project Engineer and LNRD at the LNRD office. The pre-construction conference may be a teleconference.

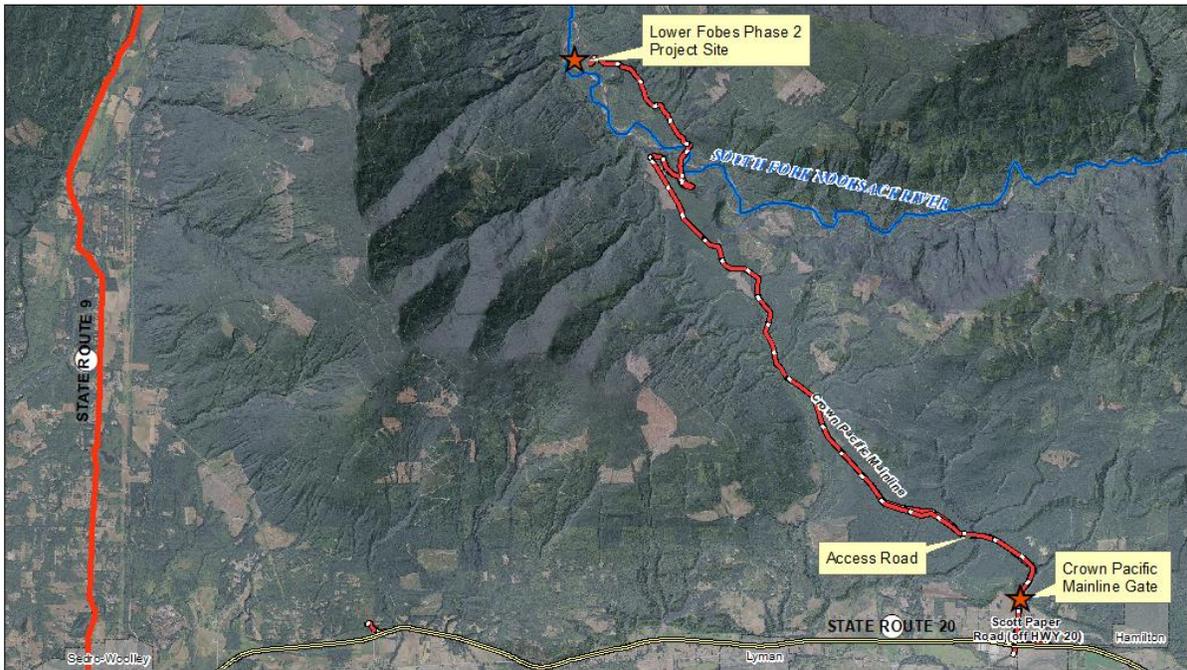
#### **POST-CONSTRUCTION CONFERENCE**

The successful bidder, after completion of project construction, shall attend a post-construction conference with the Project Engineer and LNRD at the LNRD office to review the project and lessons learned.

#### **LOCATION**

This project is located on the South Fork Nooksack River in Skagit County, between river mile 18 and 19.

**All proposals will be due to the Lummi Natural Resources Office by 5/24/2022 at 1:00 pm. A mandatory pre-bid site tour will be held on May 11<sup>th</sup> at the project site.** Some latent site conditions may be encountered which affect the cost of the work but must be accounted for in your quotation. Among the requirements to perform the project is proof of insurance certification.



Lower Fobes Phase 2 - Project Vicinity



Figure 1. Project Location

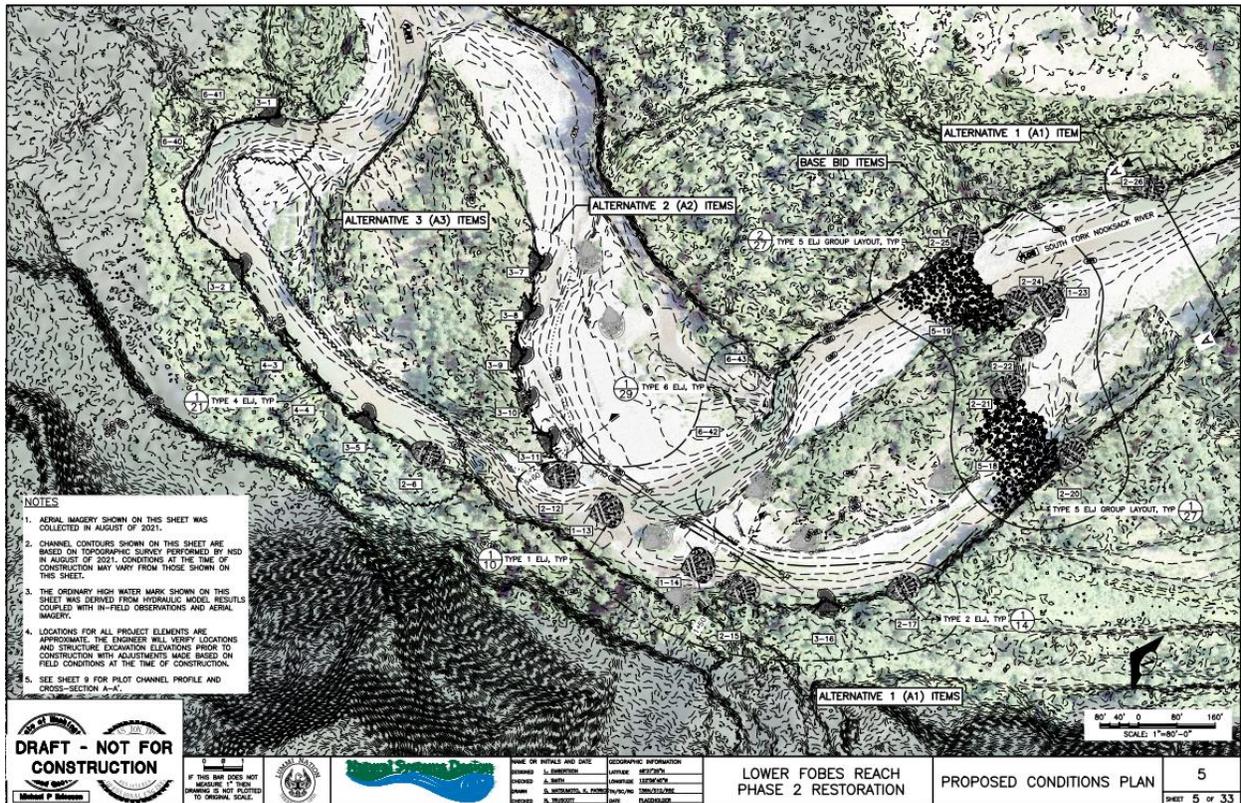


Figure 2. Project worksite location with proposed structures.



Figure 3. Access and staging locations.